

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

3 HALLIE HOFFMAN (CABN 210020)
4 Chief, Criminal Division

5 ROBERT S. LEACH (CABN 196191)
6 Assistant United States Attorney

7 1301 Clay Street, Suite 340S
8 Oakland, California 94612
9 Telephone: (510) 637-3680
10 Fax: (510) 637-3724
11 Email: Robert.Leach@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) Case No. CR 18-577 CRB
17 Plaintiff,)
18 v.)
19 STEPHEN KEITH CHAMBERLAIN,)
20 Defendant.)
21 _____)

22 **STIPULATION**

23 WHEREAS, on November 29, 2018, the Grand Jury returned an Indictment against Stephen
24 Keith Chamberlain, a resident of the United Kingdom [ECF No. 1];

25 WHEREAS, on February 4, 2019, defendant Chamberlain (“the defendant”) appeared before the
26 Court (with counsel specially appearing), was arraigned on the Indictment, and pleaded not guilty to all
27 counts;

28 WHEREAS, on March 21, 2019, the Grand Jury returned a Superseding Indictment against
29 Chamberlain [ECF No. 21];

1 WHEREAS, on January 23, 2020, the Court entered a protective order respecting certain
2 discovery [ECF No. 54];

3 WHEREAS, on January 27, 2020, the government produced a substantial volume of discovery to
4 the defendant, including materials subject to the protective order;

5 WHEREAS, on February 21, 2020, the government made an additional production of discovery
6 to the defendant;

7 WHEREAS, on March 16, 2020, the Court issued General Order No. 72 (IN RE: Coronavirus
8 Disease Public Health Emergency), providing that “[n]o jury trial will be commenced before May 1,
9 2020,” and that “[d]ue to the Court’s reduced ability to obtain an adequate spectrum of jurors and the
10 effect of the above public health recommendations on the availability of counsel and court staff to be
11 present in the courtroom, the time period of the continuances implemented by this General Order will be
12 excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by
13 ordering the continuances outweigh the interest of the public and any defendant’s right to a speedy trial
14 pursuant to 18 U.S.C. section 3161(h)(7)(A)”;

15 WHEREAS, on April 3, 2020, upon the stipulation of the parties, the Court issued an order
16 finding that the time to June 17, 2020 (the date the parties were scheduled to appear for a status
17 conference) shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A),
18 (B)(ii) & (iv) [ECF No. 60];

19 WHEREAS, on April 30, 2020, the Court issued General Order No. 72-2 (IN RE: Coronavirus
20 Disease Public Health Emergency), providing that “[n]o jury trial will be commenced before June 1,
21 2020”;

22 WHEREAS, on May 21, 2020, the Court issued General Order No. 72-3 (IN RE: Coronavirus
23 Disease Public Health Emergency), providing that “[n]o new jury trial will be conducted through June
24 30, 2020”;

25 WHEREAS, on June 17, 2020, the Court convened a status conference and, after hearing from
26 the parties, set a further status conference for February 3, 2021, and excluded time under the Speedy
27 Trial Act from June 17, 2020, through February 3, 2021;

1 WHEREAS, on or about January 29, 2021, after consultation with the parties, a Clerk's Notice
2 was issued continuing the status conference to May 20, 2021;

3 WHEREAS, issues arising from the COVID-19 pandemic continue to impede the parties' ability
4 to effectively prepare the case for trial, including the ability to meet with witnesses, some of whom
5 reside outside the United States;

6 WHEREAS, during the week of February 8, 2021, hearings were held in the extradition
7 proceeding relating to co-defendant Michael Richard Lynch, and the parties anticipate further oral
8 submissions on May 4, 2021;

9 WHEREAS, the parties stipulate and agree that an exclusion of time under the Speedy Trial Act
10 from February 3, 2021, to May 20, 2021, is appropriate due to the complexity of the case, the need for
11 defense counsel to review relevant evidence including recently produced discovery and discovery
12 arising from the extradition proceeding, consult with the defendant in the United States and effectively
13 prepare, and the ongoing COVID-19 pandemic;

14 THEREFORE, the parties stipulate and agree, and respectfully request that the Court order, that
15 excluding time from February 3, 2021, to May 20, 2021, will allow for the effective preparation of
16 counsel given the complexity of the case. *See* 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The parties further
17 stipulate and agree that the ends of justice served by excluding the time from February 3, 2021, to May
18 20, 2021, from computation under the Speedy Trial Act outweigh the best interests of the public and the
19 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv). The parties stipulate and agree the
20 Court shall enter the proposed order below.

21 IT IS SO STIPULATED.

22 DATED: February 17, 2021

DAVID L. ANDERSON
United States Attorney

23 /s/
24

25 ROBERT S. LEACH
Assistant United States Attorney

1 DATED: February 17, 2021

2 BIRD, MARELLA, BOXER, WOLPERT,
3 NESSIM, DROOKS, LINCENBERG, & RHOW,
4 P.C.

5 /s/
6

7

ARIEL A. NEUMAN
8 Attorneys for Defendant Stephen Chamberlain

9
10 **[PROPOSED] ORDER**

11 Based upon the facts set forth in the stipulation of the parties and the representations made to the
12 Court, and for good cause shown, the Court finds that failing to exclude the time from February 3, 2021,
13 to May 20, 2021, would unreasonably deny defense counsel and the defendant the reasonable time
14 necessary for effective preparation, taking into account the exercise of due diligence and the complexity
15 of the case. 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The Court further finds that the ends of justice served
16 by excluding the time from February 3, 2021, to May 20, 2021, from computation under the Speedy
17 Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and
18 with the consent of the parties, IT IS HEREBY ORDERED that the time from February 3, 2021, to May
19 20, 2021, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A),
20 (B)(ii) & (iv).

21 IT IS SO ORDERED.

22 DATED:

23

THE HONORABLE CHARLES R. BREYER
24 United States District Judge